

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION**

**SUK BIN KIM,
Plaintiff,**

v.

**MESA UNDERWRITERS
SPECIALTY INSURANCE
COMPANY and RUBEN QUINTERO
Defendants.**

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Civil Action No. 7:17-CV-00450

JOINT RULE 41 STIPULATION OF DISMISSAL WITH PREJUDICE

TO THE HONORABLE COURT:

COMES NOW Plaintiff Suk Bin Kim (“Kim”), jointly with Defendant Mesa Underwriters Specialty Insurance Company (“Mesa”) and Ruben Quintero (collectively, “Defendants”) and files this, their Joint Rule 41 Stipulation of Dismissal with Prejudice.

1. On or about August 1, 2017, Kim filed a lawsuit styled *Suk Bin Kim v. Mesa Underwriters Specialty Insurance Company and Ruben Quintero*; Cause Number C-3468-17-G, in the 370th Judicial District Court of Hidalgo County, Texas. Kim asserted several causes of action against the Defendants, including Texas Insurance Code violations, as well as breach of contract, and breach of good faith and fair dealing, among other things. Mesa timely removed the lawsuit to this Court.

2. Kim and Defendants have voluntarily agreed to resolve the disputes at issue by entering into a written release and settlement agreement. Therefore, the Parties file this Joint Rule 41 Stipulation of Dismissal with Prejudice.

3. Federal Rule of Civil Procedure 41 provides that an action may be dismissed by the filing of “a stipulation of dismissal signed by all parties who have appeared.” FED. R. CIV. P.

41(a)(1)(ii); *see also Yesh Music v. Lakewood Church*, 727 F.3d 356, 362 (5th Cir. 2013). A court order is not necessary when the parties to the lawsuit file a stipulation of dismissal under Rule 41(a)(1)(ii). *Yesh Music*, 727 F.3d at 362.

4. Therefore, the Parties jointly stipulate that this case shall be dismissed with prejudice pursuant to Federal Rule of Civil Procedure 41(a)(1)(ii).

WHEREFORE the Parties pray the Court take notice of this Joint Rule 41 Stipulation of Dismissal with Prejudice and grant the Parties any other and further relief, at law or in equity, to which they are entitled.

Respectfully submitted,

/s/ Jake S. Rogiers

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**ATTORNEYS FOR DEFENDANT MESA
UNDERWRITERS SPECIALTY INSURANCE
COMPANY and RUBEN QUINTERO**

CERTIFICATE OF SERVICE

I hereby certify that on the 27th day of April, 2018, I electronically filed the foregoing with the Clerk of Court using the CM/ECF system, which will electronically send notification to the following counsel of record.

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